

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**FREDERICK J. NERONI,**

**Plaintiff,**

**3:12-cv-1226  
(GLS/DEP)**

**v.**

**CARL F. BECKER et al.,**

**Defendants.**

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**ORDER**

Plaintiff Frederick J. Neroni filed the instant action against defendants Carl F. Becker, “in his official capacity as a Judge of Surrogate’s Court and Acting Supreme Court Justice of Delaware County, and in his individual capacity,” and the State of New York, alleging, *inter alia*, that the unconstitutional application of multiple New York laws violated his Due Process rights. (Dkt. No. 1 at 5-23.) Pending is Neroni’s Order to Show Cause seeking various forms of preliminary and permanent relief.<sup>1</sup> (See

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<sup>1</sup> Specifically, Neroni seeks a hearing at which defendants would be required to show why: Justice Becker should not be temporarily and permanently removed from his underlying state court action; a stay should not be issued in that case “until verification of the Supreme Court jurisdiction”; Justice Becker and the State of New York should not be precluded from applying N.Y. Civ. Rights Law § 52; and Justice Becker should not be enjoined from holding Neroni or his counsel in contempt for raising issues of bias and disqualification. (Dkt. No. 4 at 1-2.)

Dkt. No. 4.) With the exception of precluding Justice Becker and the State of New York from enforcing N.Y. Civ. Rights Law § 52 in Neroni's pending state court action, the relief sought by him is unrelated to the federal claims upon which the court's jurisdiction is predicated. (*See generally* Dkt. Nos. 1, 4.) Furthermore, to the extent that Neroni seeks to preclude the application of N.Y. Civ. Rights Law § 52 in his pending state court action, he has failed to display a likelihood of success on the merits. *See, e.g., Courtroom Television Network LLC v. State*, 5 N.Y.3d 222, 234 (2005) (upholding the constitutionality of N.Y. Civ. Rights Law § 52). Neroni's Order to Show Cause is therefore denied.

**ACCORDINGLY**, it is hereby

**ORDERED** that Neroni's Order to Show Cause (Dkt. No. 4) is

**DENIED**; and it is further

**ORDERED** that defendants file an Answer or appropriate motions within the time allotted by the rules; and it is further

**ORDERED** that the parties notify Magistrate Judge Peebles in order to schedule further proceedings in accordance with this order

**ORDERED** that the Clerk provide a copy of this Order to the parties.

**IT IS SO ORDERED.**

August 7, 2012  
Albany, New York

  
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Gary L. Sharp  
Chief Judge  
U.S. District Court